

## Proposal for revision of the transitional provisions of Regulation No. 48 (Installation of lighting and light-signalling devices)

### I. Proposal

Paragraph 12, amend to read:

#### "12. TRANSITIONAL PROVISIONS

12.1. Notwithstanding the transitional provisions below, Contracting Parties whose application of this Regulation comes into force after the date of entry into force of the most recent series of amendments are not obliged to accept approvals which were granted in accordance with any of the preceding series of amendments to this Regulation.

12.2. Contracting Parties applying this Regulation shall not refuse to grant extensions of approvals to the preceding series of amendments to this Regulation.

12.3. Until the United Nations Secretary-General is notified otherwise, Japan declares that in relation to the installation of lighting and light signalling devices, Japan will only be bound by the obligations of the Agreement to which this Regulation is annexed with respect to vehicles of categories M<sub>1</sub> and N<sub>1</sub>.

[12.4. As from the ~~official~~ date of entry into force of the 03 series of amendments (10/10/2006), no Contracting Party applying this Regulation shall refuse to grant approval under this Regulation as amended by the 03 series of amendments.

12.5. As from 12 months after the date of entry into force of the 03 series of amendments (10/10/2007), Contracting Parties applying this Regulation shall grant approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by the 03 series of amendments.

12.6. Until 36 months after the date of entry into force of the 03 series of amendments ~~to this Regulation~~, (10/10/2009) no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the preceding series of amendments to this Regulation.

12.7. Starting 36 months after the entry into force of the 03 series of amendments ~~to this Regulation~~ (10/10/2009), Contracting Parties applying this Regulation may refuse first national or regional registration (first entry into service) of a vehicle which does not meet the requirements of the 03 series of amendments to this Regulation.

12.8. As from 60 months after the date of entry into force of the 03 series of amendments ~~to this Regulation~~ (10/10/2011), approvals to this Regulation shall cease to be valid, except in the case of vehicle types which comply with the requirements of this Regulation as amended by the 03 series of amendments.]

12.9. Notwithstanding the provisions of paragraph 12.7. or 12.8. above, approvals of vehicle types to the preceding series of amendments ~~to the Regulation~~ which are not affected by the 03 series of amendments shall remain valid and Contracting Parties applying the Regulation shall continue to accept them.

[12.10. As from 36 months from the entry into force of Supplement 3 to the 03 series of amendments (12/06/2010), Contracting Parties applying this Regulation shall grant approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by Supplement 3 to the 03 series of amendments. (Contradiction with paras 12.7. and 12.8?)]

[12.11. As from the ~~official~~ date of entry into force of the 04 series of amendments (7/8/2008), no Contracting Party applying this Regulation shall refuse to grant approval under this Regulation as amended by the 04 series of amendments.]

[12.12. As from 30 months (7/2/2011) for vehicles of categories M<sub>1</sub> and N<sub>1</sub> and 48 months (7/8/2012) for vehicles of other categories after the **official** date of entry into force of the 04 series of amendments, Contracting Parties applying this Regulation shall grant approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by the 04 series of amendments.]

~~12.13. Until 30 months (7/2/2011) for vehicles of categories M<sub>1</sub> and N<sub>1</sub> and 48 months (7/8/2012) for vehicles of other categories after the **official** date of entry into force of the 04 series of amendments, Contracting Parties applying this Regulation shall continue to grant approvals to those types of vehicles which comply with the requirements of this Regulation as amended by the preceding series of amendments.~~

[12.14. Approvals granted under this Regulation before 30 months (7/2/2011) for vehicles of categories M<sub>1</sub> and N<sub>1</sub> and 48 months (7/8/2012) for vehicles of other categories after the **official** date of entry into force of the 04 series of amendments and all extensions of such approvals, including those to a preceding series of amendments to this Regulation granted subsequently, shall remain valid indefinitely. When the vehicle type approved to the preceding series of amendments meets the requirements of this Regulation as amended by the 04 series of amendments, the Contracting Party which granted the approval shall notify the other Contracting Parties applying this Regulation thereof. (???)]

[12.15. No Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the 04 series of amendments to this Regulation.]

12.16. ~~Notwithstanding the transitional provisions above~~ (paras 12.1 to 12.15???) , Contracting Parties whose application of Regulation No.112 comes into force after the date of entry into force (7/8/2008) of the 04 series of amendments to this Regulation are not obliged to accept approvals if the vehicle type to be approved does not meet the requirements of paragraph 6.1.2. and 6.2.2. as amended by the 04 series of amendments to this Regulation with regard to Regulation No. 112.

(Corr.1 to 04 series)

[12.17. Paragraph 6.19.7.3. comes into force 30 months (7/2/2011) for new types of vehicles of categories M<sub>1</sub> and N<sub>1</sub> and 48 months (7/8/2012) for new types of vehicles of other categories after the date of entry into force of the 04 series of amendments.]

12.18. Contracting Parties applying this Regulation shall continue to grant approvals to vehicle types which do not meet the requirements of paragraph 5.2.1. of Supplement 2 to the 04 series of amendments, if they are fitted with headlamps approved to Regulation No. 98 (prior to Supplement 9) or Regulation No. 112 (prior to Supplement 8) (Transitional provisions?? No date)

[12.19. As from 36 months (24/10/2012) from the entry into force of Supplement 3 to the 04 series of amendments, Contracting Parties applying this Regulation shall grant approvals only if the vehicle type to be approved meets the requirements of the paragraphs 3.2.7. and 5.27. of this Regulation as amended by Supplement 3 to the 04 series of amendments.]

~~12.20. Contracting Parties applying this Regulation shall not refuse to grant extensions of approvals to all previous versions of this Regulation which remain valid. (identical to 12.2)~~  
(Suppl 3 to 04)

12.21. As from the **official** date (30/1/2011) of entry into force of the 05 series of amendments, no Contracting Party applying this Regulation shall refuse to grant approval under this Regulation as amended by the 05 series of amendments.

12.22. As from 48 months from the **official** date (30/1/2015) of entry into force of the 05 series of amendments, Contracting Parties applying this Regulation shall grant approvals only if the vehicle type to be approved meets the requirements of this Regulation as amended by the 05 series of amendments. However, As from 66 months (30/7/2016) for new vehicle types of categories M<sub>1</sub> and N<sub>1</sub> and 84 months (30/1/2018) for new vehicle types of other categories after the **official** date of entry into force of the 05 series of amendments to this Regulation, Contracting Parties applying this Regulation shall grant approvals only if the new vehicle type to be approved meet the requirements of this Regulation as amended by the 05 series of amendments excluding paragraphs 6.2.7.6.2. and 6.2.7.6.3. to 6.2.7.6.3.3 (???) . Existing approvals under this Regulation granted before these dates will remain valid indefinitely and extensions of these approvals shall continue to be granted after

12.23. Contracting Parties applying this Regulation shall continue to grant approvals to those types of vehicles which comply with the requirements of this Regulation as amended by the preceding series of amendments during the 48 months' (30/1/2015) period which follows the date of entry into force of the 05 series of amendments.

12.24. As from the date (30/1/2011) of entry into force of the 05 series of amendments, the No Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the 05 series of amendments to this Regulation.

~~12.25. Until 48 months after the date of entry into force of the 05 series of amendments to this Regulation, no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the preceding series of amendments to this Regulation. (deleted by Supp 8 to 04-WP.29/2011/131)~~

12.25. Existing Approvals under this Regulation (granted ?) before the date (30/1/2011) of entry into force of the 05 series of amendment to this Regulation shall remain valid and Contracting Parties applying this Regulation shall continue to accept them. (Supp 8 to 04-WP.29/2011/131). (Consistency with para. 12.22. ?)

12.26. Contracting Parties applying this Regulation shall continue to grant approvals to those types of vehicles which comply with the requirements of this Regulation as amended by the preceding series of amendments during the 60 months' (until 30/1/2020) period which follows the date of entry into force of the 06 series of amendments. Existing approvals (according to the preceding series?) under this Regulation granted before this date (30/1/2020??) will remain valid indefinitely (transitional??) and extensions of these approvals shall continue to be granted after. (06 series-WP.29/2012/11)

12.27. As from the date of entry into force of the 06 series of amendments, no Contracting Party applying this Regulation shall refuse national or regional type approval of a vehicle type approved to the 06 series of amendments to this Regulation. (06 series-WP.29/2012/11. Not a transitional but permanent provision!)

## II. Justification

1. This proposal aims mainly at launching the discussion on the transitional provisions of Regulation No. 48. It shows some open question the EC has on this issue. The proposed amendments are shown in bold/strikethrough. The paragraphs, outdated as of the October 2012 session of GRE, and candidates for deletion, are in square brackets. The comments are highlighted in yellow. Given the urgency explained below, the Commission will push for a more elaborated proposal at the next session of GRE, in particular to bring the Regulation in line with the guidelines on transitional provisions adopted by WP.29 recently (ECE/TRANS/WP.29/2011/152).

2. Regulation No. 48 will soon be made mandatory in the EU. Hence, from 1 November 2012, Regulation No. 48 will be used for new types of vehicles (04 series of amendments). Moreover, from 1 November 2014, the corresponding Directive will be repealed and from that date only Regulation No. 48 will be used for EU whole vehicle type-approval. Therefore, more than ever, clear transitional provisions are needed to know what applies on a mandatory basis in the EU.

3. Four series of amendments are presently running in parallel (03, 04, 05 and 06). Furthermore, some Supplements were adopted with transitional provisions. Some of them become mandatory before the series they are amending (see para. 12.12). Finally, some transitional provisions are not transitional but permanent.

4. This situation is not manageable in the long run. This leads to confusion and does not ensure legal certainty for operators. Moreover, this creates difficulty for the consolidation of Regulations. Normally the rule should be: one new series replaces the old one (this is why we have Transitional provisions) and supplements should be adopted with no transitional provision.